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PATENT
Customer No. 22,852
Attorney Docket No. 06530.0314

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jon GINGRICH et al.) Group Art Unit: 3731
)
Application No.: 10/808,427) Examiner: Tuan Van Nguyen
)
Filed: March 25, 2004)
)
For: MEDICAL DEVICE AND RELATED) Confirmation No.: 6960
METHODS OF PACKAGING)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENTS

In an Office Action mailed on March 20, 2008, the Examiner required restriction under 35 U.S.C. § 121 between the following allegedly patentably distinct claim groups:

Group I - Claims 1-61, characterized by the Examiner as drawn to an endoscopic instrument; and

Group II - Claims 62-71, characterized by the Examiner as drawn to a method for packaging an endoscopic instrument.

In addition to requiring an election of one of the groups identified above, the Examiner required an election of one of the following allegedly patentably distinct species:

Species 1 - Figures 2 and 9;
Species 2 - Figure 3;
Species 3 - Figure 4;

- Species 4 - Figure 5;
- Species 5 - Figures 6 and 10;
- Species 6 - Figures 7-7A;
- Species 7 - Figures 8A-8C; and
- Species 8 - Figures 11A-11B.

In addition to electing one of the above-noted species, the Examiner required a listing of the claims “readable” on the elected species. Finally, the Examiner asserted that claims 1 and 40 are generic to each of the above species.

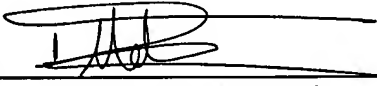
Applicant does not necessarily agree with the various characterizations and assertions regarding either Applicant’s claims or the allegedly patentably distinct claim groups and species set forth in the Office Action. Nonetheless, in order to expedite the prosecution of this application, Applicant elects to prosecute Group I, directed to a medical device and Species 2 (Fig. 3) identified above. Applicant submits that at least claims 1-13, 15-17, 23, 28-29, 32-37, 40-41, 44-45, 47-51, 53-56, and 60-61 are “readable” on the elected species. Accordingly, Applicant respectfully requests examination of at least claims 1-13, 15-17, 23, 28-29, 32-37, 40-41, 44-45, 47-51, 53-56, and 60-61.

Please grant any extensions of time required to enter this Response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 16, 2008

By 
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